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Honorable Judge Samuel J. Steiner
DATE: March 11, 2011
TIME: 9:30 a.m.
Chapter 11
LOCATION: Seattle
RESPONSE DUE: March 10, 2011

UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re: Adam R. Grossman, Debtor.	IN CHAPTER 11 PROCEEDING NO. 10-19817 DEBTOR'S MOTION TO CONVERT CHAPTER 11 CASE TO CHAPTER 13

Pursuant to 11 U.S.C. § 1112(b)(2), Adam R. Grossman, the Debtor in this matter, by his undersigned attorney, requests entry of an order converting his chapter 11 case to one under chapter 13 pursuant to 11 U.S.C. § 1112(d) on the following grounds:

The captioned chapter 11 case was filed on August 19, 2010. The Debtor has not been discharged under section 1141(d) of this title. The Debtor was qualified at the time of the filing of this chapter 11 case to file under chapter 13 of the code and Debtor is, now, still qualified to file under chapter 13 of the code. Debtor listed his (now) former spouse's real property (6821 – 39th Ave. NE) individual debt among Debtor's Schedule D "Creditors Holding Secured Claims." As became clear in Debtor's King County Superior Court dissolution proceeding, Debtor's former spouse was the sole obligor on the loan (Deed of Trust) for 6821 – 39th Ave. NE. Debtor has filed Amended Schedules A and D to reflect this fact. Accordingly, at the time of the filing of this chapter 11 proceeding, Debtor was eligible to file under chapter 13 of the code and remains so eligible today. Debtor will submit a chapter 13 repayment plan that is both feasible and confirmable.

Not only is Debtor eligible to convert to a Chapter 13 case, courts have "repeatedly emphasized Congress's preference that individual debtors use Chapter 13 instead of Chapter 7." In re Bateman, 515 F.3d 272, 59 Collier Bankr.Cas.2d 169 (C.A.4 Md., 2008) citing In re McDonald, 205 F.3d 606, 614 (3d Cir. 2000); In re Bartee, 212 F.3d 277, 284 (5th Cir. 2000). Converting this case to a Chapter 13 case would serve that congressional intent. Congress prefers repayment plans over liquidations (In re Gagne, 394 B.R. 219, 224, Bankr. L. Rep. P 81,336 (1st Cir.BAP Me., 2008)) because, in part, unsecured creditors often receive more money under successful Chapter 13 plans than they would under a Chapter 7 liquidation bankruptcy. In re McDonald, 205 F.3d 606, 614 (3d Cir.2000).

THEREFORE, the Debtor requests that this Court enter an Order that this case be converted to one under chapter 13 of the Bankruptcy Code.

DATED at Seattle, Washington this 4th day of March, 2010.

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By: /s/ Matthew D. O'Conner_______
Matthew D. O'Conner, WSBA# 27061
Attorney for Debtor

Copies to:

Chapter 11 Trustee, Ronald G. Brown

Attorney for Chapter 11 Trustee, Denice E. Moewes

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UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In Re: Adam R. Grossman, Debtor.	IN CHAPTER 11 PROCEEDING NO. 10-19817 ORDER CONVERTING CHAPTER 11 CASE TO CHAPTER 13

THIS MATTER having come on for hearing before the court on shortened time upon the Debtor's motion to convert this chapter 11 case to one under chapter 13 of the Bankruptcy Code; this court having reviewed the file and record herein and having determined that the Debtor has a right to convert this case to one under chapter 13, pursuant to 11 U.S.C. § 1112(d), now, therefore, it is hereby:

ORDERED that this case be and is hereby converted to one under chapter 13 of the Bankruptcy Code.

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DATED this _______ day of March, 2011.

____

HONORABLE JUDGE SAMUEL J. STEINER
U.S. Bankruptcy Judge

Presented By:

/s/ Matthew D. O'Conner_______
Matthew D. O'Conner, WSBA# 27061
Attorney for Debtor

Copies to:

Chapter 11 Trustee, Ronald G. Brown

Attorney for Chapter 11 Trustee, Denice E. Moewes

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